

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 27, 2005

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Vogel (Miriam A.), J., Mallano, J., Rothschild, J. and P. Gonzalez, Deputy Clerk.

B180562 Akop Oganessian
 v.
 Farmers Insurance Company, Inc.

Merits:
Argued by Edwin D. Hausmann for appellant and by Karen M. Bray for respondent. Cause submitted.

B177296 Milena Popovich
 v.
 Denny's Restaurant

Merits:
Argued by Brett B. Curlee for appellant and by Paul W. Burke for respondent. Cause submitted.

Rothschild, J., leaves the bench.

B174564 In the Matter of CHARLES PENNINGTON and VIVIAN G.
 PENNINGTON ETC., TRUST, Deceased.
 Charles Pennington
 v.
 Carol A. Harell et al.

Merits:
Argued by Robert E. Scott for appellant and by Daniel J. Doonan for respondents. Cause submitted.

DIVISION ONE (Continued)

B174970 Minyon Matthews
 v.
 U.S. Bancorp et al.

Merits:
Argued by Nancy Abrolat for appellant and by Dianne Baquet Smith and David Fishman for respondents. Cause submitted.

B177898 Marcos Curiel
 v.
 P.O.D., et al.

Merits:
Argued by Kyle P. Kelley for appellant and by Elizabeth Barrowman Gibson for respondents. Cause submitted.

Rothschild, J., returns to the bench.

Spencer, P.J., leaves the bench.

B180239 Alvin Geter et al.
 v.
 Michael O. Graham

Merits:
Argued by Adam J. Karr for appellants and by Michael J. Melton for respondent. Cause submitted.

Spencer, P.J., returns to the bench

Vogel, J., leaves the bench.

July 27, 2005 (Continued)

DIVISION ONE (Continued)

B174697 Jennifer H.L. Fong, as trustee, etc.
v.
John Hancock Variable Life Insurance et al.,

Merits:

Argued by Robert K. Scott for appellant and by Vivian Leung Lerche and Robert Cooper for Thomas Lin for respondent. Cause submitted.

Vogel, J., returns to the bench.

Rothschild, J., leaves the bench.

B182643 Factor Health Management, et al.
v.
Superior Court, Los Angeles County
(Apex Therapeutic Care, Inc., et al., r.p.i.)

Merits:

Argued by Anthony Paduano for petitioners and by Marc Neubauer for real parties in interest. Cause submitted.

Court adjourned.

B175888 People (Not for Publication)
v.
Castellanos

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

July 27, 2005 (Continued)

DIVISION ONE (Continued)

B176881 Arredondo (Certified for Publication)

v.

Regents of the University of California

The judgment is affirmed. Each party to bear their own costs.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P. J.
 Rothschild, J.

B180937 People (Not for Publication)

v.

Histon

The appeal is dismissed; writ petition denied.

Suzukawa, J. (Assigned)

We concur: Spencer, P.J.
 Mallano, J.

DIVISION TWO

B170988 Dine (Not for Publication)

v.

Pine Mountain Club Property Owners Association, Inc.

The judgment awarding attorney fees is affirmed.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
 Suzukawa, J. (Assigned)

July 27, 2005 (Continued)

DIVISION TWO (Continued)

[illegible]

The judgment is reversed. The case is remanded for further proceedings to address Lang's claim for equitable relief from the 1996 default judgment. The trial court is instructed to strike Lang's remaining extraneous claims. Lang is entitled to recover his costs on appeal from Roche.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B178548 Los Angeles County, D.C.S. (Certified for Partial Publication)
v.
Hugo M. et al.

The juvenile court's jurisdiction / disposition orders are affirmed.

Doi Todd, J.

We concur: Boren, P.J.
Suzukawa, J. (Assigned)

B180801 People (Not for Publication)
v.
Aguilar

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Suzukawa, J. (Assigned)

July 27, 2005 (Continued)

DIVISION TWO (Continued)

B176175 People v. Potts (Not for Publication)

The judgment and the order denying the motion for a new trial are vacated, and the court is directed to again hear and determine the motion for a new trial in accordance with the views expressed in this opinion. If the trial court determines that a new trial should be granted, defendant will be entitled to a trial on the merits. If it determines that the new trial should be denied, the trial court shall again pronounce judgment on appellant, keeping in mind that the conviction in count 1 must be reversed, the charge in count 1 must be dismissed, the court's order requiring appellant to register as a narcotics offender is vacated, and the judgment in count 2 is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
Suzukawa, J. (Assigned)

B181003 In re Marina S. (Not for Publication)
 Los Angeles County, D.C.S.
 v.
 Stephanie S.

The order under review is affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.
Suzukawa, J. (Assigned)

July 27, 2005 (Continued)

DIVISION TWO (Continued)

[illegible]

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

DIVISION THREE

B181233 Los Angeles County, D.C.S. (Not for Publication)
v.
Jose M.,

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
Aldrich, J.

B169955 Bruce Martin (Not for Publication)
v.
Nagelberg & Associates

The judgment is affirmed. Respondent(s) to recover costs.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

July 27, 2005 (Continued)

DIVISION THREE (Continued)

B174847 Kimberly A. Martin, et al.
v.
Snapple Beverage Corp.

Filed order modifying opinion. (No change in the judgment)

B179234 People
v.
Brian Leigh Tobias

B182233 People
v.
Brian Leigh Tobias

Filed order consolidating above captioned appeals.

[illegible]

The order of the trial court declaring Rodolfo a ward of the juvenile court is reversed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B175115 People (Not for Publication)
v.
Blajos

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

July 27, 2005 (Continued)

DIVISION THREE (Continued)

B177953 People (Not for Publication)
v.
Blackburn

The abstract of judgment is ordered modified as set forth herein. The clerk of the superior court is directed to prepare an amended abstract of judgment and to forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B177828 People (Not for Publication)
v.
Flowers

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B178475 Los Angeles County, D.C.S.
v.
Michelle M.

On its own motion, the court grants rehearing and vacates the decision and the opinion filed herein on June 28, 2005. Cause resubmitted.

July 27, 2005 (Continued)

DIVISION FOUR

B175355 People (Not for Publication)
v.
T. W.

The order sustaining the petition as to a violation of section 10851, subdivision (a) is reversed, and it is affirmed as to a violation of section 2800.2.

Epstein, P.J.

We concur: Hastings, J.
Willhite, J.

B176849 Parcel (Not for Publication)
v.
Pasadena Unified School District

The order granting summary judgment is reversed, and the case is remanded to the superior court for proceedings consistent with this opinion. Appellant is to recover her costs on appeal.

Epstein, P.J.

We concur: Hastings, J.
Willhite, J.

B176848 Winton (Not for Publication)
v.
WMW, LLCI et al.

The order is affirmed.

Epstein, P.J.

We concur: Hastings, J.
Willhite, J.

July 27, 2005 (Continued)

DIVISION FOUR (Continued)

B175960 Fry et al. (Not for Publication)
v.
Mason

The order is affirmed.

Curry, J.

We concur: Hastings, Acting P.J.
 Willhite, J.

DIVISION SEVEN

B175771 H. Rauvel, Inc. (Not for Publication)
v.
AMB Property

The judgment is affirmed. Each party to bear their own costs.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B177832 People (Not for Publication)
v.
Perrine

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

July 27, 2005 (Continued)

DIVISION SEVEN (Continued)

B170768 Legacy Long Distance (Not for Publication)
v.
General Communication Services et al.,

The judgment is affirmed. Legacy is to recover its costs on appeal.

Perluss, P.J.

We concur: Woods, J.
 Zelon, J.

DIVISION EIGHT

B176946 In re Marriage of Erin Casey and Terry Allan Jones (Not for Publication)
Jones
v.
Jones

The trial court's order is affirmed. Respondent Erin shall recover her costs on appeal.

Flier, J.

We concur: Cooper, P.J.
 Boland, J.

B176922 People (Not for Publication)
v.
Cribbs

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
 Boland, J.

DIVISION EIGHT (Continued)

B175344 People (Not for Publication)
v.
Grizzelle

The judgment is hereby modified to change the actual time which appellant spent in custody prior to sentencing from 248 days to 264 days. The superior court is directed to send a corrected abstract reflecting that change to the Department of Corrections. In all other respects, the judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Boland, J.

B176748 People (Not for Publication)
v.
James

The case is remanded to the trial court with directions to amend the abstract of judgment to reflect a \$200 suspended parole revocation fine. In all other respects, the judgment is affirmed.

Cooper, P.J.

We concur: Boland, J.
Flier, J.

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The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

July 27, 2005 (Continued)

DIVISION EIGHT (Continued)

B174983 People (Not for Publication)
v.
Phillips

The judgment of the trial court is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B172526 Nikmanesh (Not for Publication)
v.
The Vons Companies, Inc. et al.,

The judgment is affirmed. Vons is entitled to costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B181899 People (Not for Publication)
v.
Carbajal

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.